

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7237

BILL NUMBER: SB 323

NOTE PREPARED: Jan 23, 2003

BILL AMENDED:

SUBJECT: Nonsuspendible Cocaine or Methamphetamine Sentence.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes the minimum sentence for dealing in cocaine or methamphetamine nonsuspendible if the person possessed at least ten grams of the drug.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, among other conditions, the court may suspend only that portion of the sentence greater than the minimum sentence if the felony was dealing in cocaine, a narcotic drug, or methamphetamine and the court finds the person (1) possessed a firearm, or (2) intended to deliver or delivered to a person under 18 years old who was three years junior to the person and was on a school bus or within 1,000 feet of a school, park, housing complex, or youth program center. The bill would add a third condition, that the person possessed at least 10 grams of cocaine or methamphetamine. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time.

Dealing in cocaine, a narcotic drug, or methamphetamine is a Class B felony, but may be enhanced to a Class A felony. Depending on the mitigating and aggravating circumstance, a Class B felony is punishable by a prison term ranging from six to twenty years and a Class A felony is punishable by a prison term ranging from 20 to 50 years. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years and approximately 9.1 years for all Class A felony offenders.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

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